REMARKS

The above Amendments and these Remarks are in reply to the Office action mailed October 22, 2002.

Rejection of Claims 32-64 Under 35 U.S.C. §103(a)

It is respectfully submitted that Claims 32-64 are not obvious under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,913,907 to Davies et al. (*"Davies"*), and further in view of U.S. Patent No. 5,950,206 to Krause (*"Krause"*) or U.S. Patent No. 6,363,362 (*"Burfield"*).

It is respectfully submitted that: (1) the Examiner has failed to make out a prima facie rejection of claim 32, 45, 53, and 55, in some cases wholly failing to address limitations present in the independent claims; (2) the asserted motivation to combine the references in the manner suggested by the Examiner is not present either expressly or inherently in the references; and (3) even when combined, the references wholly fail to render obvious to one of average skill in the art the claimed invention.

(1)   The Examiner Has Failed to Make a Prima Facie Obviousness Rejection.

The rejections of claims 32, 45, 53 and 55 under 35 U.S.C. §103 do not meet the standard of a prima facie rejection.

In rejecting claims under 35 U.S.C. '103, the examiner bears the initial burden of presenting a prima facie case of obviousness..."A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *In re Rijckaert*, 28 USPQ2d at 1956.

Initially, the Examiner fails to explain how all elements of the invention are found in the cited prior art.

As noted by the Federal Circuit in *In re Lowry*, 32 USPQ2d at 1034:

> The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art. [Citing *In re Gulack*, 703 F.2d at 1385.]

In particular, in claim 32 the step of: "...receiving second type of data for the construction project input by an application program of at least a second type via a second computer system to said central database..." *is completely absent from the Examiner's explanation of the obviousness rejection.*

Second, the Examiner's notations on the teachings of the prior art appear to have little relevance to the claimed elements. Certain aspects of the prior art which are clearly delineated as structure (for example *Davies'* element 405 (a processing device)) are referred to by the Examiner as "steps". The sole support for the step of "...generating a first message indicating a modification of the first data..." is allegedly found at" Col. 4 lines 1-8 of *Davies*, which makes no mention of a "first" or any other message:

> In further preferred embodiments, a Jasper agent is provided with means to apply an algorithm in relation to first and second keyword sets to generate a measure of similarity therebetween. According to the measure of similarity, either the first or second keyword sets may then be proactively updated by the Jasper agent, or the result of comparing the first or second keyword sets with a third keyword set, or with meta-information, may be modified.

Similarly, with respect to the step of "... transmitting the first message to the second computer system...." the examiner references column 6, lines 56 – 61 of *Davies* which again, fails to mention any "message" at all:

> The Jasper agent 105 and system described above provide the basis for an extremely useful way of accessing relevant information in a distributed arrangement such as W3. Variations and extensions may be made in a system without departing from the scope of the present invention.

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Hence, the rejection of claim 35, and by their dependency from claim 35, claims 36 – 44, under 35 U.S.C. §103 does not rise to the level of a prima facie rejection and should be withdrawn.

Further with respect to claim 45, the claim calls for:

> first and second interface databases in data communication with the host computer system;

Similarly, claim 53 calls for:

> first and second interface databases of project objects of at least a first and second types of application software, respectively, in data communication with the host computer system; and

The Examiner points to "step" 400 and Fig. 1 of *Davies* as allegedly showing this feature in applicant's invention. However, the text of *Davies* illustrates that element 400 is "…World Wide Web (WWW) viewer…." Col. 3, l. 27. The Viewer is not an interface database. Hence, this assertion does not support the rejection under 35 U.S.C. §103.

Further, the Examiner fails to explain how where or how the limitations of claim 45 calling for:

> the first interface database … configured to store first type of data received from the first computer system from application software of at least a first type;
> … the second interface database … configured to store second type of data received from the second computer system from application software of at least a second type;

are found in *Davies*. *There is no reference to these limitations in the Examiner's rejection of claim 45.*

Moreover, the section of *Davies* (col. 1, lines 41 – 43) alleged to teach *all* of the following limitations of claim 53:

> ….the host computer system is configured to monitor a plurality of transactions to the first interface database, each of the plurality of transactions stores data in the first database, and monitoring the plurality of transactions comprises comparing the plurality of transactions against a predetermined transaction;

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wherein the host computer system is configured to detect a match between one of the plurality of transactions to the first database and the predetermined transaction;

wherein the host computer system is configured to generate a message indicating that the one of the plurality of transactions stored first data in the first database, wherein the host computer system generates the message in response to the host computer system detecting the match between the one of the plurality of transactions and the predetermined transaction; and

wherein the host computer system is configured to transmit the message to the second computer system in data communication with the host computer system.

This section of *Davies* reads as follows:

In a useful configuration, the first and second sets of keywords may be associated with different respective users.

Respectfully, there is no teaching of the aforementioned limitations in quoted section of

Davies. This text bears no relation to the aforementioned limitations.

Further with respect to claim 55, like claim 32, *at least one limitation is wholly absent*

from the Examiner's allegation of obviousness. There is no mention of the limitation of claim 55

calling for:

generating a first message corresponding to a request to approve or reject storing the first data in the database;

In addition, two claimed steps of the method of claim 55 are allegedly met by a single

teaching of "Fig. 8, step 804":

transmitting the first message to a second computer system, wherein the second computer system is in data communication with the host computer system and the database and operates at least a second type of application software providing construction project objects of a second type;

the second computer system generating a second message corresponding to an approval or rejection of storing the first data in the database;

In fact, the *sole reference* in the description to "step 804" is described in the text of

Davies as generating *a single email* and forwarding it to a user:

Referring to FIG. 8, when a page is stored in IPS 100 by a Jasper agent 105 (STEP 801), the agent 105 checks the profiles of other agents' users in its 'local community' (STEP 802), This local community could be any predetermined community. If the page matches a user's profile

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with a score above a certain threshold (STEP 803), a message, for instance an "email" message, can be automatically generated by the agent 105 and sent to the user concerned (STEP 804), informing him of the discovery of the page.

Hence, the rejection of the claim 43, 53 and 55 under 35 USC Section 103, and claims 44 – 53, 54, and 56 – 62 as dependent there from, does not amount to a prima facie rejection and should be withdrawn.

(2)   The Motivation to Combine the References Alleged By The Examiner Is Not Present In Either Reference.

The Examiner states that the motivation to combine the references would have been "... to manage distributed data, expand the utility of the *Davies* system and thereby increase the usable market share. Also, the software needs to run on some type or platform...." (Office Action, Page 3, paragraph 1).

Davies discloses a system for accessing distributed information, but the information accessed is all in the same format: HTML. As noted in the description of *Davies*:

> software agents are used to store, retrieve, summarise [sic] and inform other agents about information found on W3. (col. 1 ll. 61 – 63)

> Source text is provided in a "HyperText" format and the Jasper agent 105 first strips out HyperText Markup Language (HTML) tags (STEP 505). The Jasper agent 105 then sends the text to a text summariser such as "ConText" 120 (STEP 506). (Col. 4 ll 39 – 43).

Moreover, the system is solely interested in storing useful information from with World Wide Web:

> embodiments of the present invention relate to the following problem: having found useful information on W3, how can it be stored for easy retrieval and how can other users likely to be interested in the information be identified and informed? (col. 2, ll. 5 – 8)

There is no teaching in the system of integrating application data from a "... first type of data for the construction project input by an application program of at least a first type ... " and a "... second type of data for the construction project input by an application program of at least a second type ...".

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While Fig. 2 of *Davies* shows HTML information from a "W3 CLIENT" being input to a JASPER agent, there is no teaching of "...an application program of at least a first type ..." and "...an application program of at least a second type...". All applications shown in Fig. 2 are "W3 Client".

Krause, on the other hand, teaches a construction project search system that was designed to be operated over modem and telephone connections to a central server. There is again only one application program type taught, and only one central database to which to retrieve information.

Davies is concerned with integrating data from a wide variety of sources. *Krause* is concerned with allowing a wide variety of clients running the same software to access a central database of construction data. There is no motivation in *Davies* to combine its teachings with *Krause* as *Davies* concerns widely distributed data, while *Krause*'s is centralized. There is no motivation in *Krause* to combine its teachings with *Davies* there is no need find information from widely distributed sources.

Hence, there is no motivation present in either reference which would lead one of average skill in the art to make and use the invention as defined in claims 32 – 64.

(3)   The Combined References Do Not Teach The Claimed Invention

At most, a combination of the *Davies* and *Krause* references yields a system whereby the system of *DAVIES* can be used to perform intelligent searches of the information store in *Krause*.

Even if combined, the references fail to teach the following features of the invention defined in Claim 32:

> receiving *first type of data* for the construction project input by an *application program of at least a first type* via a first computer system to a central database;

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receiving *second type of data for* the construction project input by an *application program of at least a second type* via a second computer system to said central database; (Emphasis Supplied)

In particular, the alleged portion of the specification of *Davies* (Fig. 2, Step 405, column 4, lines 26 – 28) shows neither a "first type" and "second type" of data, nor "an application program of at least a first type" and "application program of at least a second type. In fact, this portion of the *Davies* specification states: "The user 110 then transmits a `store` request to the Jasper agent 105, resident on the customer's WWW file server 410.

Hence, a combination of *Davies* with *Krause* cannot support any rejection of claim 32 under 35 U.S.C. §103 as *Davies* itself does not teach the limitations it is alleged to disclose. Hence, claims 33 – 44 are likewise not obvious. Reconsideration of claims 32 – 44 is therefore requested.

With respect to claim 45, the following elements are not disclosed in *Davies* or *Krause*:

first and second interface databases in data communication with the host computer system;
first and second computer systems *in data communication with the first and second interface databases*, respectively;
wherein the first interface database is *configured to store first type of data* received from the first computer system *from application software of at least a first type*;
wherein the second interface database is *configured to store second type of data* received from the second computer system *from application software of at least a second type*;
wherein the host computer system is *configured to read the first data from the first interface database and the second data from the second interface database* and store the first and second data in the central database. (Emphasis Supplied)

As noted above, a "...first and second interference databases..." are not disclosed in *Davies*. Hence, those limitations calling for a "first type of data" and "second type of data" in claim 45 are also not disclosed. The portion of *Davies* alleged to teach this information is the following:

In a useful configuration, the first and second sets of keywords may be associated with different respective users.

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There is no teaching of the aforementioned limitations in this passage asserted by the Examiner.

Hence, a combination of *Davies* with *Krause* cannot support any rejection of claim 45 under 35 U.S.C Section 103 as *Davies* itself does not teach the limitations it is alleged to disclose.

Hence, claims 46 – 54 being dependent on claim 45 and including all the limitations of claim 45, are likewise not obvious. Reconsideration of claim s 45 – 54 is therefore requested

With respect to claim 53, the following elements are not taught or suggested by any combination of *Davies* and *Krause*:

> *first and second interface databases* of project objects of at least a *first and second types of application software*, respectively, in data communication with the host computer system; and
> ...
> wherein the host computer system is *configured to monitor a plurality of transactions to the first interface database*, each of the plurality of transactions stores data in the first database, and monitoring the plurality of transactions comprises comparing the plurality of transactions against a predetermined transaction;
> wherein the host computer system is configured to detect a match between one of the plurality of transactions to the first database and the predetermined transaction;
> wherein the *host computer system is configured to generate a message* indicating that the one of the plurality of transactions stored first data in the first database, wherein the host computer system generates the message in response to the host computer system detecting the match between the one of the plurality of transactions and the predetermined transaction; and
> wherein the host computer system is *configured to transmit the message to the second computer system* in data communication with the host computer system. (Emphasis Supplied)

Again, the above quoted portion (Col. 1, lines 41 – 43 of *Davies*) set forth by the Examiner as allegedly supporting **all** of the aforementioned limitations does not teach one of average skill in the art all of the claimed features of the invention, alone or in combination with any teachings of *Krause*.

Hence, a combination of *Davies* with *Krause* cannot support any rejection of claim 55 under 35 U.S.C. §103 as *Davies* itself does not teach the limitations it is alleged to disclose. Hence, claim 54 being dependent on claim 53 and including all the limitations thereof, is likewise not obvious. Reconsideration of claims 53 and 54 is therefore requested.

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With respect to claim 55, the following elements are not taught or suggested by any combination of *Davies* and *Krause*:

> ... a first computer system ... wherein the first computer system operates at least *a first type of application software* and provides first data comprising construction project objects of a first type;
> *generating a first message corresponding to a request to approve or reject storing the first data in the database;*
> *transmitting the first message to a second computer system*, wherein the second computer system is in data communication with the host computer system and the database and operates at least a second type of application software providing construction project objects of a second type;
> the second computer system *generating a second message corresponding* to an approval or rejection of storing the first data in the database; and
> removing the first data from the database if the second message corresponds to the rejection of storing the first data in the second database, or maintaining the first data in the second database if the second message corresponds to the approval of storing the first data in the database. (Emphasis Supplied)

The "messages" apparently alleged by the Examiner to correspond to those in claim 55 are email messages sent to a user to indicate the discovery of a page of interest, and not for approval or rejection of "... storing the first data" as defined in claim 55.

Hence, a combination of *Davies* with *Krause* cannot support any rejection of claim 55 under 35 U.S.C. §103 as *Davies* itself does not teach the limitations it is alleged to disclose. Hence, claims 56 - 64 being dependent on claim 55 and including all the limitations thereof, is likewise not obvious. Reconsideration of claims 55 - 64 is therefore requested

Hence, it is respectfully submitted that claims 32 – 64 are not obvious in view of *Davies* and *Krause*.

<div align="center">* * *</div>

Based on the above amendments and these remarks, reconsideration of claims 32 - 64 is respectfully requested.
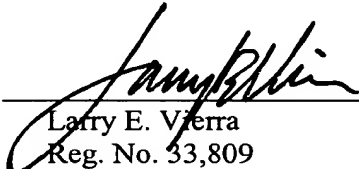
The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, March 24, 2003.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: __March 24, 2003__   By: _____

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